

## CHAPTER 54-01-03 DEFINITIONS

Section

54-01-03-01

Definitions

**54-01-03-01. Definitions.** The terms used in this title have the same meaning as in North Dakota Century Code chapter 43-12.1 and apply to North Dakota Administrative Code title 54 unless the context indicates otherwise.

1. "Abandonment" means accepting the client assignment and disengaging the nurse and client relationship without giving notice to a qualified person.
2. "Abuse" means any behavior that is designed to harass, intimidate, or injure another human being through the use of verbal, sexual, emotional, or physical harm.
3. "Accreditation" means the official authorization or status granted by a nationally recognized agency other than a state board of nursing.
4. "Activities of daily living" includes interventions associated with nutrition and hydration, elimination, maintaining mobility, assistance with self-administration of routine regularly scheduled medications, and personal cares. Personal care includes bathing, hair care, nail care, shaving, dressing, oral care, and supporting a safe and healthy environment.
5. "Acts or omissions" means patterns of unsafe behavior, nursing practice deficits, failure to comply with acceptable standards of nursing practice, or grounds for discipline identified in North Dakota Century Code chapter 43-12.1 or these rules.
6. "Applicant" means an individual seeking official action by the board.
7. "Approved" means that the standards established by the board are met.
8. "Assignment" means a licensed nurse designates the responsibility for performance of nursing interventions to another licensed nurse.
9. "Assisting with self-administration of routine, regularly scheduled medications" means helping the client with one or more steps in the process of taking medications. Examples of "assisting" include opening the medication container or reminding the client of the proper time to take the medication. Assisting with the administration of medication may be a delegated intervention.

10. "Authority" means legal authority to provide nursing care granted through licensure as a registered nurse, licensure as a practical nurse, or through delegation of nursing interventions from the licensed nurse.
11. "Certification" means a process of voluntary recognition by a national nursing organization of the person's specialty knowledge, skills, and abilities in a defined area of nursing practice. The certification process measures the theoretical and clinical content denoted in the specialty scope of practice and is developed in accordance with generally accepted standards of validity and reliability.
12. "Client" means the recipient of nursing care, which may include an individual, family, group, or a community.
13. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.
14. "Consultative nurse" means a licensed nurse who provides guidance and information related to nursing procedures and interventions to the facility or agency but is not individually responsible to direct the plan of care for the client.
15. "Continuing education" means planned, organized learning experiences designed to augment the knowledge, skills, and abilities for the delivery of safe and effective nursing care for the citizens of North Dakota which meets the criteria and reporting requirements established by the board.
16. "Delegation" means the authorization for the performance of selected nursing interventions from a licensed nurse to an unlicensed assistive person.
17. "Denial" means the board's refusal to issue or renew a current license or registration.
18. "Direction" means the provision of written or verbal guidance, or both, and supervision by a licensed nurse who is responsible to manage the provision of nursing interventions by another person.
19. "Encumber" means to place on probation.
20. "Evidence-based practice" means integration of research findings with clinical expertise and client values for optimum care.
21. "Impaired" means the ability to practice nursing safely has been affected by the use or abuse of alcohol or other drugs, psychiatric or physical disorders, or practice deficiencies.

22. "Incompetence" means conduct that deviates from either standards of nursing practice approved by the board or the definition of competence in this section.
23. "Instate nursing program", "nursing program", or "nursing education program" means a nurse program with faculty or facilities located in North Dakota and approved by the board.
24. "Interdisciplinary team" means a group of health care professionals currently licensed under North Dakota Century Code title 43.
25. "Licensed nurse" means a person licensed pursuant to North Dakota Century Code chapter 43-12.1 and North Dakota Administrative Code title 54.
26. "Licensed practitioner" means a person lawfully authorized to prescribe medications or treatments under North Dakota Century Code title 43.
27. "Licensee" means a person who has met all the requirements to practice as a licensed nurse pursuant to North Dakota Century Code chapter 43-12.1 and has been issued a license to practice nursing.
28. "Licensure" means the process by which the board grants legal privilege to an individual to engage in the practice of nursing upon finding that the individual has attained the essential degree of education and competence necessary to ensure that the public health, safety, and welfare will be protected.
29. "Limit" means to restrict, qualify, or otherwise modify the license or registration.
30. "Major incident" means an act or omission in violation of North Dakota Century Code chapter 43-12.1 or this title which indicates an applicant licensee's or registrant's continuing to practice poses a high risk of harm to the client or another person.
31. "Medication administration" means the delivery of medication by a licensed nurse or an individual delegated to and supervised by a licensed nurse, to a client whose use of that medication must be monitored and evaluated applying specialized knowledge, skills, and abilities possessed by a licensed nurse.
32. "Medication assistant" means an individual who has a current registration as an unlicensed assistive person, has had additional training in administration of medication, and possesses a current registration from the board as one of the following medication assistants:

- a. Medication assistant I is a person who has completed all the requirements for a medication assistant program I. A medication assistant I is limited to employment in a setting in which a licensed nurse is not regularly scheduled.
  - b. Medication assistant II is a person who has completed additional training past the medication assistant program I and met all the requirements for a medication assistant program II. A medication assistant II may be employed both in a setting in which a licensed nurse is regularly scheduled and a setting in which a licensed nurse is not regularly scheduled.
  - c. Medication assistant III is a person who has completed two semesters of an approved nursing education program, each of which must have included a clinical nursing component, or a graduate of a board-recognized medical assistant program. A medication assistant III may be employed both in a setting in which a licensed nurse is regularly scheduled and a setting in which a licensed nurse is not regularly scheduled.
- 33. "Medication assistant program" means a program of study and clinical practice in the administration of routine, regularly scheduled medications which meets board requirements.
  - 34. "Minor incident" means an act or omission in violation of North Dakota Century Code chapter 43-12.1 or this title which indicates an applicant licensee's or registrant's continuing to practice poses a low risk of harm to the client or another person.
  - 35. "Misappropriation of property" means the patterned or knowing, willful, or intentional misplacement, exploitation, or wrongful, temporary, or permanent use of a client's, employer's, or any other person's or entity's belongings, money, assets, or property without consent.
  - 36. "Neglect" means a disregard for and departure from the standards of care which has or could have resulted in harm to the client.
  - 37. "Nurse administrator" means a person responsible for organized nursing services and who manages from the perspective of the organization as a whole.
  - 38. "Nursing intervention" means the initiation and completion of client-focused actions necessary to accomplish the goals defined in the plan of care which may include activities of daily living.
  - 39. "Out-of-state nursing program" means a program whose faculty and facilities are located outside North Dakota but within the United States, which is approved by the licensing board for nurses in the particular

state or United States territory and is equivalent to an "instate nursing program".

40. "Practice deficiency" means a practice activity that does not meet the standards of nursing practice.
41. "Practice site" means a facility that signs a written agreement with the nursing education program to provide practice experiences for students.
42. "Probation" means issuance of a current license or registration marked "encumbered" and identification of specific requirements, restrictions, or limitations against a nursing license or registration for a period of time.
43. "Professional boundaries" means the provision of nursing services within the limits of the nurse and client relationship which promote the client's dignity, independence, and best interests and refrain from inappropriate involvement in the client's or client's family personal relationships.
44. "Professional misconduct" means any practice or behavior that violates the applicable standards governing the individual's practice necessary for the protection of the public health, safety, and welfare.
45. "Reactivation" means issuance of a previously active license or registration.
46. "Registrant" means an unlicensed assistive person as defined in North Dakota Century Code section 43-12.1-02.
47. "Regularly scheduled presence of a licensed nurse" means that a licensed nurse is present a minimum of eight hours in a twenty-four-hour period of time in a setting where nursing care is continuously delivered.
48. "Reinstatement" means activation of a board-sanctioned license or registration.
49. "Reprimand" means action of the board stating the board's concerns regarding the professional conduct of the licensee or registrant.
50. "Revocation" means the withdrawal by the board of the license or registration of the right to practice nursing or assist in the practice of nursing for a specified length of time of no less than one year. If no specified length of time is identified by the board, revocation is permanent.
51. "Routine, regularly scheduled medication" means the components of an identified medication regimen for an individual or groups of individuals with stable conditions which are administered on a routine

basis and do not require determination of need, drug calculation, or dosage conversion.

52. "Scope of practice" means the delineation of the nature and extent of practice.
53. "Sponsor institution" means the governing organization that provides necessary administrative and fiscal resources for a nursing program.
54. "Stable" means a situation in which the client's clinical and behavioral status and nursing care needs are determined by the registered nurse or licensed practitioner to be predictable, nonfluctuating, and consistent or in which the fluctuations are expected and the interventions are planned.
55. "Stay" means the action of the board that does not immediately take place and may not take place if other conditions, such as probation terms, are met. Violations of the terms and conditions may result in lifting of the stay and imposition of the sanction.
56. "Supervision" means maintaining accountability to determine whether or not nursing care is adequate and delivered appropriately. Supervision includes the assessment and evaluation of the client's condition and responses to the nursing plan of care and evaluation of the competence of the person providing nursing care.
  - a. "Condition of supervision" means the method of supervision as direct or indirect, the identification of the persons to be supervised as well as the nursing interventions being provided, and the stability or predictability, or both, of the client's condition.
  - b. "Direct supervision" means that the responsible licensed nurse is physically present in the clinical area and is available to assess, evaluate, and respond immediately. Direct supervision does not mean that the responsible licensed nurse must be in the same room or "looking over the shoulder" of the persons providing nursing care.
  - c. "Indirect supervision" means that the responsible nurse is available through periodic inspection and evaluation or telecommunication, or both, for direction, consultation, and collaboration.
57. "Survey" means an onsite visit or a paper review of a program approved by the board of nursing.
58. "Suspension" means withholding by the board of the license or registration of the right to practice nursing or assist in the practice of nursing for a specified or indefinite period of time.

- 59. "Technician" means an unlicensed assistive person who may perform limited nursing functions within the ordinary, customary, and usual roles in the person's field. Examples may include surgical and dialysis technicians and medical assistants.
- 60. "Temporary suspension" means action by the board when there are reasonable grounds to believe the licensee or registrant has violated a statute or rule the board is empowered to enforce and continued practice by the licensee or registrant would constitute a continuing and imminent threat to the public welfare.
- 61. "Unlicensed assistive person registry" means a listing of all persons who are authorized by the board or included on another state registry, which has been recognized by the board to perform nursing interventions delegated and supervised by a licensed nurse.
- 62. "Voluntary surrender" means an agreement by a licensee or registrant, approved by the board, to relinquish the license or registration to the board.
- 63. "Workplace impairment program" means the program administered by the board as set out in the Nurse Practices Act permitting nurses with chemical dependency, psychiatric or physical disorders, or practice deficiencies to seek treatment and remediation and participate in monitored practice, voluntarily or by the board's order.
- 64. "Workplace impairment program agreement" means an individualized written agreement between the nurse and the program. The agreement must include the terms and conditions for successful completion of the program.

**History:** Effective June 1, 2002; amended effective April 1, 2004; August 1, 2005.

**General Authority:** NDCC 43-12.1-08(2)

**Law Implemented:** NDCC 43-12.1-08